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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Appellant: Wagner et al. Examiner: Prone, C.
Serial No.: 10/625,826 Group Art Unit: 3738
Filing Date: July 23, 2003 Docket No.: GUID.619PA
(03-521)
Title: TUNNELING TOOL WITH SUBCUTANEOUS TRANSDERMAL ILLUMINATION

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Mail Stop Appeal Brief - Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on March 6, 2007.

By: 
Rennae Johnson

AMENDED APPEAL BRIEF SECTION

Mail Stop Appeal Brief - Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Non-Compliant Appeal Brief dated February 26, 2007, Applicant has attached an amended Status of Claims (Section III) in accordance with 37 C.F.R. §41.37(d) and MPEP §1205.03.

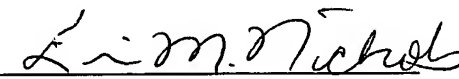
This amended Section III should replace the originally-filed Section III of the Appeal Brief filed on November 1, 2006 as well as the Section III of the Reply Brief filed on February 26, 2007.

No fee is believed to be required for the filing of this Amended Appeal Brief Section; however, if it is determined that a fee is necessary, authority is given to charge/credit deposit account 50-3581 (GUID.619PA) in support of this filing.

Respectfully submitted,

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III. STATUS OF CLAIMS

Claims 1-5, 8-11, 44, 46, 47, 49, 50, 53-58 and 61-63 are pending, each of which is presented for appeal. Each of the pending Claims 1-5, 8-11, 44, 46, 47, 49, 50, 53-58 and 61-63 has been finally rejected by the Examiner's action dated March 9, 2006, from which Appellant appeals.

Claims 6, 7, 12-31, 33-43, 45, 48, 51, 52, 59 and 60 have been withdrawn. Appellant notes that due to a misnumbering, no Claim 32 was filed with the application.

The pending Claims 1-5, 8-11, 44, 46, 47, 49, 50, 53-58 and 61-63 under appeal may be found in the attached Claims Appendix.